IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8623 OF 2006.

Rekha Vasudev Kulkarni ..Petitioner

versus

The United Western Bank Limited ..Respondent.

Mr.Umesh Mankapure for the Petitioner

Coram : S.R.Sathe, J.
Dated : 30th July, 2007

P.C.

1. Heard the learned advocate for the petitioner. The plaintiff bank filed suit for recovery of the amount of loan advanced to the present applicant in which the applicant had filed written statement. The learned advocate for the petitioner fairly submits that the suit was decided on merits and thereafter, the defendant filed appeal. However, there was delay of one year six months in filing the first appeal. Hence, the delay condonation application was filed. The trial court, after considering the entire evidence adduced by the original defendant came to the conclusion that no justifiable cause is given by the applicant for filing the appeal at such a late stage and therefore rejected the application.

2. From the perusal of the order it does appear that the learned trial Judge has properly considered the entire evidence adduced by the present petitioner. In this writ petition, the factual aspect as to whether the delay was properly explained or not cannot be looked into. The order passed by the learned trial Judge is legal and correct. There is no necessity to interfere with the said order by exercising the special jurisdiction of this court. If under the circumstances of this case, Writ Petition is entertained, it would amount to abuse of process of law and allow the judgment debtor to protract the litigation.

. Hence, the writ petition is rejected.

(S.R.Sathe, J.)